**RFP-22-803**

**Demand Scenarios Project**

**Addendum 1**

**January 30, 2023**

**Note:** Added language appears in **bold underline**, and deleted language appears in [~~strikethrough~~] and within square brackets.

The purpose of this addendum to RFP-22-803 is to make the following revisions to the Application Manual, Attachment 7b, and to add answers to questions submitted after the question submission deadline.

**Application Manual:**

1. Page 2:

The deadline to submit proposals has been extended from [~~02/03/23~~] to **02/07/23**.

1. Page 19:

TASK 5: DEVELOP MODEL FOR AVIATION SUB- SECTOR

 Expected Total Hours: [~~120~~] **200**

**Attachment 7b has been updated to reflect this change.**

 **Attachment 7b:**

|  |  |
| --- | --- |
| Task 5: Develop Model for Aviation Sub-Sector  | [~~120~~] **200** |
|  |
|  |
|  |
|  |

1. Page 33:

[~~Disabled Veteran Business Enterprise Preference
(This preference applies for participation exceeding 3.01%, see Preferences/Incentives in Section V.)~~]

1. Page 36:

**Disabled Veteran Business Enterprise (DVBE)**

**Compliance Requirements**

***[~~DVBE Participation Required~~]***

**No DVBE Participation Compliance Requirement: The Energy Commission has waived this RFP from DVBE participation. Bidders may include DVBEs as part of their contract team. However, they will not receive any incentive points as part of the scoring process.**

***[~~Required Forms~~***

~~Bidders must complete Attachments 1, 3 and 4 to document DVBE participation. If Bidder does not include these forms, the Bid is considered non-responsive and shall be rejected.~~

* ~~Contractor Status Form (Attachment 1).~~

~~Under the paragraph entitled: “Disabled Veteran Business Enterprise Participation Acknowledgement”, make sure to check the “yes” “DVBE Participation” box.~~

* ~~DVBE Declarations Std. Form 843 (Attachment 3)~~
* ~~Bidder Declaration Form GSPD-05-105 (Attachment 4)~~

***~~DVBE Definition~~***

~~For DVBE certification purposes, per Military & Veterans Code section 999(b)(6), a "disabled veteran" is:~~

* ~~A veteran of the U.S. military, naval, or air service of the United States, including but not limited to, the Philippine Commonwealth Army, the Regular Scouts (“Old Scouts”), and the Special Philippine Scouts (“New Scouts”);~~
* ~~The veteran must have a service-connected disability of at least 10% or more; and~~
* ~~The veteran must be domiciled in California.~~

***~~DVBE Certification and Eligibility~~***

* ~~To be certified as a DVBE, your firm must meet the following requirements in Military & Veterans Code section 999(b)(7):~~

~~(i) It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is unconditionally owned by one or more disabled veterans; a subsidiary that is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is unconditionally owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture’s management, control, and earnings are held by one or more disabled veterans.~~

~~(ii) The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.~~

~~(iii) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.~~

* ~~DVBE limited liability companies must be wholly owned by one or more disabled veterans. Public Contract Code section 10115.9.~~
* ~~Each DVBE firm listed on the DVBE Declarations Std. form 843 (Attachment 3) and on the Bidder Declaration form GSPD-05-105 (Attachment 4) must be formally certified as a DVBE by the Office of Small Business and DVBE Services (OSDS). The DVBE program is not a self-certification program. Bidder must have submitted application to OSDS for DVBE certification by the Bid due date to be counted in meeting participation requirements.~~

***~~Printing / Copying Services Not Eligible~~***

~~DVBE Subcontractors cannot provide printing/copying services.  For more information, see section VI Administration, which states that printing services are not allowed in proposals.~~

***~~To Find Certified DVBEs~~***

~~Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at~~ [~~The State of California Certifications Webpage~~](https://www.caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx)~~. Search by “Keywords” or “United Nations Standard Products and Services Codes” (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for Subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at~~ [~~California State Contracts Register Webpage~~](https://www.caleprocure.ca.gov/pages/Events-BS3/event-search.aspx)~~. For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.~~

***~~Commercially Useful Function~~***

~~DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.71 provides:~~

~~“(a) A DVBE contractor, subcontractor or supplier of goods and/or services that contributes to the fulfillment of the contract requirements, shall perform a Commercially Useful Function (CUF) for each contract.~~

~~(b) A DVBE contractor, subcontractor, or a supplier of goods and/or of services is deemed to perform a CUF if the business does all of the following:~~

~~(1) Is responsible for the execution of a distinct element of work of the contract (including the supplying of services and goods);~~

~~(2) Carries out its obligation by actually performing, managing, or supervising the work involved;~~

~~(3) Performs work that is normal for its business services and functions;~~

~~(4) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment;~~

~~(5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.~~

~~(c) A contractor, subcontractor or supplier will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.~~

~~(d) Contracting/procurement officials of the awarding department must:~~

~~(1) Evaluate if a DVBE awarded a contract meets the CUF requirement as defined in subdivision (b), and~~

~~(2) During the duration of the contract, monitor for CUF compliance (See State Contracting Manual Volume 1 Chapter 8 and Volumes 2 and 3, Chapter 3).~~

~~(e) If a CUF evaluation identifies potential program violations, awarding departments shall investigate and report findings to OSDS, referring to §§ 1896.88, 1896.91 and the State Contracting Manual.”~~

***~~Compliance with Law; Information Verified~~***

~~Bidder shall comply with all rules, regulations, ordinances, and statutes that apply to the DVBE program as defined in Military & Veterans Code sections 999 and 999.5(d). Information submitted by the Bidder to comply with this solicitation’s DVBE requirements will be verified. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of Public Contract Code Section 10115, et seq., and Military & Veterans Code Section 999 et seq., and follow the investigatory procedures required by California Code of Regulations Title 2, Section 1896.90 et. seq. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties, sanctions, civil actions and/or contract termination.~~

***~~DVBE Report~~***

~~Upon completion of the contract for which a commitment to achieve DVBE participation was made, the Contractor that entered into a subcontract with a DVBE must certify in a report to the Energy Commission: 1) the total amount the prime Contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of the contract and the contract number; 3) the amount and percentage of work the Contractor committed to provide to one or more DVBEs under the requirements of the Contract and the amount each DVBE received from the Contractor.; 4) that all payments under the contract have been made to the DVBE(s) (Energy Commission may require proof that payment was made); and 5) the actual percentage of DVBE participation that was achieved. If the Energy Commission does not receive the report, the Commission shall provide notice to the Contractor and if still not received, shall withhold $10,000 (or full payment if less than $10,000) from Contractor’s final payment. (For more details about the $10,000 withholding, see specific Agreement language in the Sample Agreement Example, Exhibit D, paragraph 4.) A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. Military & Veterans Code Section 999.5(d).~~

***~~The Office of Small Business and DVBE Services (OSDS)~~***

~~OSDS offers program information and may be reached at:~~

~~Department of General Services~~

~~Office of Small Business and DVBE Services~~

~~707 3rd Street, 1st Floor, Room 400~~

~~West Sacramento, CA 95605~~

[~~DGS Website~~](https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/How-to-do-business-with-the-state-of-California)

~~Phone: (916) 375-4940~~

~~E-mail:~~ ~~OSDSHelp@dgs.ca.gov~~

***~~DVBE Law~~***

* ~~Public Contract Code Section 10115 et seq.~~
* ~~Military & Veterans Code Section 999 et. seq.~~
* ~~California Code of Regulations Title 2, Section 1896.60 et. seq.~~

**~~DVBE Incentive~~**

~~The information below explains how the incentive is applied and how much of an incentive will be given.~~

**~~How the Incentive is Applied:~~**

~~The DVBE incentive is applied during the evaluation process and only to responsive Proposals/Bids from responsible Bidders. The incentive will vary in conjunction with the percentage of DVBE participation.~~

~~The Incentive is applied by adding the incentive to the Proposal/Bid for Bidders that include more than the minimum required 3.00% DVBE participation. In other words, if a Bidder includes 3.01% DVBE participation or greater, it will receive the DVBE incentive. If you include 3% DVBE participation, you will not receive the incentive. You will only receive the incentive, if you include 3.01% or greater DVBE participation.~~

~~The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business Bidders or 5% to non-small business Bidders committed to subcontracting 25% of the overall Bid with small businesses.~~

**~~How Incentive Amount is Calculated:~~**

~~Solicitations based on~~ **~~High Point~~** ~~will calculate the incentive as described below: Incentive points are included in the sum of non-cost points. The percentage is based on the total possible available points not including preference points for small/micro business, non-small business or TACPA. Incentive points cannot be used to achieve any applicable minimum point requirements.~~

|  |  |
| --- | --- |
| ~~DVBE~~~~Participation Level~~ | ~~DVBE Incentive~~~~Points~~ |
| ~~3.01% - 3.99%~~ | ~~1~~ |
| ~~4.00% - 4.99%~~ | ~~2~~ |
| ~~5.00% - 5.99%~~ | ~~3~~ |
| ~~6.00% - 6.99%~~ | ~~4~~ |
| ~~7.00% or over~~ | ~~5~~ |

***~~Required Forms~~***~~:~~

* ~~Contractor Status Form (Attachment 1).~~
* ~~DVBE Declarations Std. Form 843 (Attachment 3)~~
* ~~Bidder Declaration Form GSPD-05-105 (Attachment 4)~~

***~~DVBE Incentive Law~~***

* ~~Military & Veterans Code Section 999.5(a)~~
* ~~California Code of Regulations Title 2, Section 1896.99.100 et.seq.~~]

**ADDITIONAL QUESTIONS AND ANSWERS**

Q8: Given the impacts of extreme weather on prospective teams’ ability to prepare proposals in recent weeks we are curious whether the Commission plans on extending the deadline for submission for RFP-22-803 from the current date of 3 February 2023

**A8: Yes. We have extended** **the deadline for submission for RFP-22-803 from the current date of 3 February 2023 to 7 February 2023.**

Q9: We are struggling to find any DVBE companies that have appropriate expertise to join the project. I am wondering if any DVBE companies have reached out to the CEC in regard to this project, and if so, if you could share their information?

**A9: The Energy Commission has waived DVBE participation requirement from this RFP. Bidders are not required to include DVBEs as part of the contract team.**

Natalie Johnson

Commission Agreement Officer